

**Appl. No.** : **09/552,383**  
**Filed** : **April 19, 2000**

### **REMARKS**

In the Office Action, the Examiner rejected Claims 30-37 and 56-62 under 35 U.S.C. § 103 in view of the Jain et al. reference (U.S. Patent No. 5,741,626), the Lee et al. reference (U.S. Patent No. 6,160,314), the Sandhu et al. reference (U.S. Patent No. 5,069,002) or some combination thereof. By this paper, the Applicant has amended Claims 30 and 56 to distinguish the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

As initial matter, the Examiner objected to Claims 33 and 59 under 35 U.S.C. § 112 and, by this paper, the Applicant has cancelled these particular claims.

With respect to the rejections under 35 U.S.C. § 103, after carefully reviewing Jain, Lee and Sandhu, the Applicant believes that the combination of forming a barrier layer of a dielectric antireflective coating (DARC) is neither disclosed nor suggested in the art of record. Specifically, the Jain reference discloses that the polish stop layer 46 is actually formed of a dielectric antireflective coating, however, as is illustrated in Figure 12, the layer 46 does not comprise a shield layer where chemical mechanical polishing is stopped, rather the Jain reference specifically contemplates removing the DARC layer. As a consequence, the Jain reference expressly teaches away from the concept of using a DARC layer as a shield layer that is not removed so as to prevent inadvertent thinning of the underlying dielectric layer in the manner claimed by the Applicant.

Consequently, there would be no motivation to combine the Jain reference with the Lee reference in the manner suggested by the Applicant. The Applicant notes that the mere fact that two references can be combined does not render a claimed invention obvious unless there is some motivation to combine. The motivation in this particular circumstance is lacking as a result of the Jain reference expressly teaching away from the concept of using a DARC layer for the purposes of being a shield. For these reasons, the Applicant believes that Claim 30 as amended is allowable over the art of record. The Applicant has also incorporated similar limitations into Claim 56 and therefore believes that Claim 56 is also allowable over the art of record.

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Summary

Based upon the foregoing, the Applicant believes that Claims 30 and 56 are allowable over the art of record. The Applicant further believes that the remaining dependent claims define additional patentable subject matter and are also allowable due to their respective dependencies on Claims 30 and 56. The Applicant therefore believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

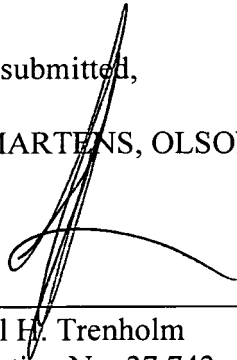
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

10/18/05

By: \_\_\_\_\_

  
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